IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Crl.Rev.Pet.No. 893 of 1999()

CRA.106/1990 of SESSIONS COURT, KOTTAYAM 9.9.1999.
CC.106/1990 of JUDL.MAGISTRATE OF FIRST CLASS, ETTUMANUR DT.21.10.1994.

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REVN. PETITIONER: ACCUSED/ APPELLANT

BABU, S/O. RAJAPPAN VATTUKULATHIL HOUSE,
VELAMKULAM BHAGAM,
MANNANAM, ATHIRAMPUZHA, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENT: RESPONDENT COMPLAINANT

STATE OF KERALA, R EP
THE SUB INSPECTOR OF POLICE,
GANDHI NAGAR.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP.NO.893/1999

ORDER ON CRL.MP.4123/1999 IN CRL.RP.893/1999

DISMISSED

27.06.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S.TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P..NO. 893 OF 1999

DATED THIS THE 27th June 2007

ORDER

The revision petitioner stands convicted for the offence under Section 326 I.P.C.and sentenced to undergo simple imprisonment for six months. The prosecution case is that on 13-4-1990 at 9.15 p.m. the accused beat the complainant with a cycle chain that resulted in fracture on the wrist of her right hand. The evidence adduced in the matter consisted of the testimony of PWs.1 to 9 and EXts.P1 to P5.

2. On a perusal of the evidence adduced in the matter, it is seen that the weapon of offence has not been produced. In the circumstances and in the absence of evidence with respect to the nature of the weapon of offence, I find that the conviction under Section 326 cannot be sustained. All the same,the accused is convicted for the offence under Section 325 I.P.C.

3. Counsel for the revision petitioner has sought for modification of sentence pointing out that almost 17 years have elapsed since the commencement of the proceedings. In the

circumstances conviction is converted to one under Section 324 I.P.C. and the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.10,000/- to the de facto complainant. The revision petitioner shall appear before the Judicial First Class Magistrate, Ettumanoor on 30-7-2007 to receive sentence. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO. 893 OF 1999

ORDER

27-6-2007